IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Naresh Kumar Versus State and Anr.

S.B.CRIMINAL REVISION NO. 426/2007
against the judgment and Order dated 8.5.2007 passed by Sessions Judge, Pali in Criminal Appeal No.25/2006.

Date of Order : 18/07/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR.

Mr. N.S.Rajpurohit for the petitioner.
Mr. J.P.Bhardwaj for the respondent-complainant No.2.
Mr. Ashok Upadhyay, P.P.

BY THE COURT:-

A complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act' hereinafter) was filed against the petitioner by the non-petitioner No.2 before the Chief Judicial Magistrate, Pali (for short 'the trial court' hereinafter) in Criminal Case No.129/2002. By judgment and order dated 18.11.2005, the trial court convicted and sentenced the petitioner. The petitioner preferred a criminal appeal against the judgment and order dated 18.11.2005 passed by the trial court being Cr. Appeal No. 25/2006 which came to be dismissed by the judgment and order impugned dated 8.5.2007. Hence this revision petition.

Heard learned counsel for the parties.

During pendency of the revision petition, the parties have compromised the matter and the complainant non-petitioner No.2 filed a compromise before this Court which has been verified by Registrar (Administration). Complainant Non-petitioner NO.2 Vijay Raj is present in Court and submits that he has compounded the offence as he has received the amount of cheque. The offence punishable under Section 138 of the Act is compoundable. Section 147 of the Act provides that provides that notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence punishable under this Act shall be compoundable.

Since the offence is compoundable and the complainant non-petitioner NO.2 has compounded the offence, in my view, the compromise deserves to be accepted. Accordingly the compromise is accepted. The offence stands compounded.

The revision petition is therefore, allowed. The judgment and order passed by the trial court dated 18.11.2005 and the order passed by the appellate court dated 8.5.2007 are set aside and the petitioner is acquitted of the offence under Section 138 of the Act. The petitioner is on bail, his bail bonds stands cancelled.

(H.R.PANWAR),J.

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